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TANTALUS PARK BILL PASSED BY SENATE

The Reservation Will be the Small and Not the Large One—Liquor License Law Variously Amended and Passed Second Reading.

The Senate passed the Tantalus Park bill yesterday but in such shape as provides only for the smaller park of seventy-seven acres. It also passed the liquor bill, but the measure was so changed that the administration, from which it is said to have emanated, will hardly know the bill when it gets back to it.

The House spent a lot of time in debating a corporation bill, but reached no conclusion. It did, however, get through with a fair amount of business.

LEGISLATURE—FORTY-SEVENTH DAY.

THE SENATE.

The Senate had a long session with the liquor bill yesterday afternoon and finally passed the measure as it came from the House, with some important amendments. It will come up for third reading this afternoon, this being close to the last day upon which the Senate can act upon the bill if it is to have any power over a possible veto.

House Bill 168, which is the liquor license bill, was taken up at once after the Senate was called to order in the afternoon, having been made the special order for 2 p. m. on motion of Achi, at the morning session. The bill, as it came before the Senate was the administration bill, amended in several important features. As it finally left the Senate, the administration will have some difficulty in recognizing it, perhaps.

DISTILLERS' LICENSE.

It was read section by section, and the first tussle came on the proposition to give distillers a license for fifteen instead of ten years as provided in the bill. The fifteen year term passed. Dickey then moved to amend the section by making the license fee for distillers \$5 a year for the first five years and \$100 per annum for the balance of the term of fifteen years. This was lost and then the license for distillers was placed at \$5 per year.

The license fee for wine makers was put at \$5 per year, and the period of the license was fixed at one year. It was provided that wine should not be drunk on the premises where made.

The wholesale liquor license was fixed at \$250 annually.

The retail liquor license was fixed at \$500 annually.

And at this point Lane made a motion that the bill be referred to a special committee, to give the people interested in the liquor bill a chance to be heard.

Paris, Achi and Bishop opposed this, and the Lane motion was lost.

The license to sell liquor in original containers of less than five gallons in bulk was placed at \$10 annually.

It was provided that no man should be given a license to sell liquor who has twice been convicted of drunkenness.

HABITUAL DRUNKARDS.

The provision that forbade the issuance of a license within 1000 feet of the boundary line of any protesting property holder precipitated a row. Achi contending that the provision in question would prevent the issuance of any license whatever. Achi, talking on, moved to strike out all of Section 7 of the law, excepting that part regarding the issuance of license to women and minors. This was carried, so that the provision against issuing licenses to drunkards and the 1000 foot provision were stricken out.

"And that," said Bishop, "kills the bill."

The provision giving the applicant for license the right to have his application submitted to arbitration was stricken out.

The provision forbidding the sale of liquor to minors and habitual drunkards was passed, and the relatives of habitual drunkards can prevent the sale of liquor to such persons. A person twice convicted of drunkenness is to be considered as an habitual drunkard.

All saloons must close at 11:30 p. m. The provision providing that wholesalers must keep a record of all sales was stricken out.

And then the Senate got badly tangled on the proposition that the Treasurer be compelled to refund to the heirs of licensees deceased the proportionate part of a license in case said licensee shall die before the expiration of the time for which the license is paid. The provision stood, despite Dickey's protest that the Treasurer could not pay back money he did not have, the license being a government realization and out of his hands.

The bill makes it the duty of every citizen to report any violation of the liquor law, and to furnish evidence of such violation.

Paris introduced a new section providing a fine for any licensed dealer who sells liquor to an intoxicated person, but it failed to carry.

Licensed dealers of the smaller classes will not be permitted to recover for liquor sold on credit.

The law then passed second reading, and will be read for third time at 2 p. m. on Wednesday.

EARLY SESSIONS OVER.

The Senate began the day yesterday with the discovery that the early session was not a paying proposition, as having a tendency to kill the clerk with work, and accomplish little in the way of legislation. And so there will be no more of it, an adjournment being taken yesterday until 10 o'clock this morning. Yesterday's proceedings began with a recess of half an

hour to enable the clerk to catch up with his work.

Then, when business really began, Senate Bill 112, relating to the protection of domestic animals from infectious disease was read for the third time. The bill created a considerable amount of discussion as to its wording, during which the Senate got a little tangled. The bill, however, finally passed, Achi, Hayselden, Hewitt and Lane voting against it.

SMALL TANTALUS PARK.

Senate Bill 6, the Tantalus Park bill, was next in order on third reading, and was considered by paragraph on motion of Dickey. This was to bring the fight directly on the point as to whether the park reservation should be for the larger tract or the smaller. The bill and the majority report of the committee recommending the setting aside of all the public land on Tantalus, and Dickey spoke in defense of the larger park.

McCandless said that in 1880 all the land on Tantalus had been taken for the benefit of the Honolulu water works, and he contended that, because of that reservation, the people who held property on Tantalus had no title to it, and he contended that the passage of this bill would be a virtual acknowledgment or confirmation by the government of the right of the people on Tantalus to their property holdings. He thought all the people should be thrown off Tantalus, and all the property taken for the public use. "Kuokoa!" said Dickey. "I am willing that you should take it all."

Dowsett contended that McCandless was right, and questioned the right of the Commissioner of Public Lands to sell any lots up there. He argued strongly against anything more than a 20-acre park, at the most. The argument that the Tantalus Park would be for the poor, was absurd. How would the people get up there? Also, he argued that this bill was gotten up in the interest of confirming shaky titles to land. That was possible, but it was foolish to seek to set aside 176 acres of land that was already in the hands of the Superintendent of Public Works as a water reserve, although he would have been willing to compromise on a twenty-acre park. If these lands could be sold, which he doubted, then they should be and the money turned into the Treasury. The Territory needed the money.

The bill caused a long debate, but was finally passed with the park reservation set to 77 acres. The vote followed:

Ayes—Achi, Bishop, Brown, Dickey, Hayselden, Lane, Paris, Woods—5.

Nays—Dowsett, Gandall, Hewitt, Isenberg, Kalama, McCandless, Woods—7.

ROUTINE MATTERS.

Senate Bill 86, the liveryman's lien bill, was read for the third time and passed.

House Bill 112, the Tax bill, was given to the ways and means committee to hold until the House acts on the Senate tax bill.

Senate Bill 113, relating to diseases of animals, passed second reading. It will be read for the third time today.

Like action was taken with reference to Senate Bill 114, on the same subject.

Senate Bill 117 allowing visitors to the leper settlement under proper restrictions, passed second reading. It will be read for the third time today.

Senate Bill 118 to provide for the sale of mortgaged stocks or shares, passed second reading. It will be read for the third time today.

House Bill 75, relating to negotiable instruments went to the judiciary committee on second reading.

Senate Bill 119 defining the rights of district magistrates, passed second reading. It will be read for the third time today.

Senate Bill 121, giving \$10,000 for the county act, passed second reading. It will be read for the third time today.

House Bill 160, the anti-trading stamp bill, passed second reading. It will be read for the third time today.

KAU GETS COURT.

The governor's veto of House Bill 7 giving Kau a term of the circuit court was taken up at Hewitt's request. Hewitt opposed the veto, denying the governor's assertion that the landing was bad, and claiming that there were plenty of accommodations at Waiohine for the court. The veto was beaten by the following vote:

Ayes—Brown, Dickey, Dowsett, Gandall, Hayselden, Hewitt, Kalama, Lane, Wilcox, Woods—10.

Nays—Bishop, Isenberg, McCandless, Paris—4.

Absent and not voting—Achi, 1. House Bill 94, providing for the widow's right of dower, was postponed on second reading until Friday on motion of Brown.

House Bill 107, providing for costs in proceedings in chambers, passed second reading and will be read for the third time on Thursday.

House Bill 153 passed second reading and will be read for the third



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time on Thursday. This is the bill to separate miscreants from criminals.

House Bill 169, for the examination of farmers, passed second reading. It will be read for the third time on Thursday.

REPORT ON LEPROSY BILL.

From the special committee on all leprosy bills, Dickey made a minority report strongly advising against the passage of House Bill 176, which he claimed covered a serious relaxation of the leprosy segregation law. Dickey preferred Senate Bill 68 which he said was much more rigorous in its provisions. The report was laid on the table to be considered with the leprosy bills.

The report in full, follows:

"Sir: Your Special Committee to which was referred Senate Bill 68 and House Bill 176, has made a majority report recommending that House Bill 176 be passed with certain amendments and the Senate bills be laid on the table. As a minority of that committee I do not agree with the recommendations and beg leave to present a minority report.

"The worst blot on our fair Territory is the incubus of leprosy which with great effort and at great expense we have got bottled up on the little peninsula of Kalaupapa on Molokai. Anything which will relax our policy of isolation and lay our Territory open to the charge that leprosy were allowed anywhere else in the Territory than at the leper colony would be a distinct calamity.

"House Bill 176 seeks to do this. My objections to its passage are:

FIVE MEN SAFER.

"1. Section 1 provides that the commission of physicians to examine suspects be reduced from five as at present to three, one of whom shall be selected by the subject, one by the Board of Health and a third by the two so selected. I think that a commission of five is much more safe than a commission of three only and more likely to secure a just decision. The physicians selected for such a grave matter should be bacteriologists and there is no provision in the bill as there is in Senate Bill 68 introduced by Senator Paris to that effect. The patient may under this bill select a physician who knows nothing of bacteriology and there is an even chance that the third man may be just as ignorant of that science. I greatly prefer the plan of Senator Paris's bill which provides for a commission appointed by the Governor of five members who shall understand that science.

"2. The bill provides that the suspect shall appoint some of the commission as before stated. I think that the suspect should be fully represented before the committee and this is provided in Senate Bill 68. The commission itself should be a permanent body and not liable to constant change in its personnel as provided in this bill.

"3. Section 4 provides for a leper hospital at Kalihi. This I do not approve of for several reasons. In the first place all lepers should be strictly segregated at Kalaupapa. Establishing a hospital anywhere else would be saying that the plan of strict segregation at the settlement was not adhered to and would tend to bring our fair land into disrepute.

NO PROTECTION LEFT.

"The section goes on to provide for the release of lepers after treatment of one year. This is preposterous. It is well known that many medicines ameliorate the disease and make its symptoms temporarily disappear, but that a radical cure is not yet discovered. If lepers were turned loose under the provisions of this act because they showed no signs of the disease there would be no protection against their spreading the disease a few months after their release. It would be a distinct menace to the health of the public. The bill provides for the establishment of a hospital at Kalihi but how is it to be maintained. It will cost a large sum per annum to carry on such an establishment and our finances are in no position to undertake it now, even if it were advisable. County government will strain our powers to the ut-

most and should be enough to undertake at this time. The cost of the building, of course can come out of the loan fund, but it is the equipment and maintenance that I am thinking of.

"The Federal government has made an appropriation for a hospital for the treatment of lepers at Kalaupapa with a view of discovering a cure for this dread disease. The hospital is to cost \$100,000 and \$50,000 per annum for maintenance is allowed. Our little experiments will be nothing beside this gigantic scheme and I think it is best to wait until we see the outcome of the experiments of the general government.

"There are other bad features in the bill but I think these are sufficient. I recommend that Senate Bill 68 be passed and House Bill 176 be laid upon the table."

THE HOUSE.

There was a long debate in the House of Representatives yesterday afternoon on Harris's bill to exempt ordinary corporations from the necessity of filing annual statements of their affairs, but no conclusion was reached on the matter.

IT SEEMED QUEER.

Early in the afternoon Holstein's bill to provide for the issuance of certificates of Hawaiian birth caused some amusement, or rather the translation of it in Hawaiian did. As explained by some Hawaiian members, the translation made it appear that any woman about to become a mother would have to secure a certificate from the Secretary of the Territory to the effect that the child would be Hawaiian. The bill was properly explained and then passed without opposition.

SEGREGATING JURORS.

Andrade's bill to give the court discretionary powers in the segregation and confinement of jurors in civil and criminal cases was up for third reading.

The bill encountered some opposition several members appearing to think that it would enable outsiders to tamper with jurors.

Aylett moved that the bill be indefinitely postponed. The motion was lost.

The motion that the bill pass third reading carried by 18 to 9.

Fernandez was excused from voting on the ground that he did not understand the bill.

Andrade's bill to provide procedure for the division of real property among co-tenants was indefinitely postponed by a vote of 19 to 9.

CORPORATION LAW.

Harris's bill to amend and re-enact Section 2566 of the Revised Laws of Hawaii relative to corporations came up for third reading. The amendment to the act is to make the purely mercantile enterprises free from the necessity for presentation to the Treasurer of a full statement annually of its affairs. In speaking for his bill Harris said that it was unfair that firms should have to disclose every item of their business and told of the legal fight now before the courts to defeat the attempt to enforce the law. In answer to queries Harris differentiated between close corporations and such big enterprises as plantations which had their stocks on open sale. In the latter case it was proper that the public should know the state of affairs financially.

RICE'S THRUST.

Rice asserted that the corporations were simply attempting to prevent the Treasurer's knowing how much business they were doing so as to escape the income tax as far as possible.

Andrade pointed out that this could not be so as the tax assessor has a right to inspect the books of any firm at any time to see if the statement as to income is correct.

Action was deferred until today.

VETO OVER-RIDDEN.

House Bill 7, relating to terms of court which was vetoed by the Governor (Continued on page 3.)

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